CMPMOs No.193 and 195 of 2006.

24.10.2007. Present: Mr. K.D. Sood, Advocate, for the petitioners in both the cases.

Mr. Ramakant Sharma, Advocate, for the respondent in CMPMO No.193/2006 and for respondents No.1 to 7 in CMPMO No.195/2006.

By this common order, both the petitions, being CMPMO No.193 of 2006 and CMPMO No.195 of 2006 are being disposed of together.

An application under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure has jointly been filed by the parties signed by them as well as their counsel. The same is accompanied by the supporting affidavits of Balwant Singh and Om Parkash. The original application is placed on the file of CMPMO No.193 of 2006. Its copy be placed on the file of CMPMO No.195 of 2006.

Mr. K.D. Sood as well as Mr. Ramakant Sharma appearing for the rival parties submit that indeed the parties have compromised and that a consent order be passed based on the terms of the compromise contained in the application.

The application be registered.

Both the aforesaid petitions are hereby disposed of based upon the terms of the compromise contained in the application. Shri Umed Ram Sharma, Tehsildar (Urban), Shimla is hereby appointed as the Local Commissioner to demarcate the properties of the parties. He shall submit his

report in the Court of Civil Judge (Senior Division), Kandaghat by completing the demarcation process in four months from today. The Commissioner is at liberty to request the learned trial Court for making available to him the original records. The learned trial Court is directed to make available the original records to the Commissioner if requested by him.

After the report of the Commissioner is submitted in the trial Court, based upon the contents of the report, the two suits, particulars whereof are mentioned in para 5 of the application shall stand disposed of. Nothing else would be required to be done in these suits.

The fee of the Local Commissioner is fixed at Rs.5,000/- to be shared equally by both the parties.

Both the petitions are disposed of.

CMP No.390/2006 in CMPMO No.193/2006.
CMP No.394/2006 in CMPMO No.195/2006.

In view of the disposal of the main petitions, both the applications are disposed of. Interim orders passed on 21st July, 2006 shall stand vacated.

24th October, 2007. (V.K. Gupta), C.J.
(tr)